

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE NO. 04-10866-GAO

JANETT GOMEZ)
Plaintiff,)
)
V.)
)
METROPOLITAN LIFE)
INSURANCE COMPANY)
Defendant.)

JOINT MOTION TO EXTEND SCHEDULING ORDER

Defendant Metropolitan Life Insurance Company (“MetLife”) and plaintiff Janett Gomez (“Gomez”) hereby move to extend the current scheduling order by a period of fifteen (15) days such that the time within which the parties shall seek additional discovery or an evidentiary hearing be extended from May 22, 2005 to **June 6, 2005**, the time within which the parties shall file cross-motions for summary judgment be extended from June 13, 2005 to **June 28, 2005**, and the time within which the parties shall file their respective oppositions to cross-motions for summary judgment be extended from July 11, 2005 to **July 26, 2005**. As grounds for this motion, the parties state as follows.

1. This matter involves the review of a denial of benefits under an employee benefit plan governed by ERISA.
2. On February 14, 2005, this Court adopted the proposed scheduling order submitted by the parties in their Joint Statement Regarding Pretrial Matters. Pursuant to that scheduling order, requests for the production of documents were to be served no later than April 7, 2005 and responses to such requests were to be served in conformity with Fed. R. Civ. P. 34.

3. On April 7, 2005, Gomez timely served on MetLife her first request for production of documents. Pursuant to Fed. R. Civ. P. 34, MetLife's response to Gomez' first request for production of documents was due on May 9, 2005.

4. MetLife has requested an additional two weeks to respond to Gomez' first request for production of documents because said additional time is necessary for MetLife to prepare its response. Gomez has agreed to provide MetLife with a two week extension until May 23, 2005 for MetLife to serve its response to plaintiff's first request for production of documents.

5. Accordingly, the scheduling order deadlines should be amended by fifteen (15) days to allow MetLife to respond to plaintiff's document requests and allow Gomez to review MetLife's responses and timely seek additional discovery pursuant to the scheduling order if necessary.

WHEREFORE, the parties respectfully request that the Court enter an order allowing a fifteen (15) day extension of the current scheduling order as set forth above.

<p>JANETT GOMEZ, By her attorney, /s/ Stephen L. Raymond (JLM)</p> <hr/> <p>Stephen L. Raymond 3 Washington Square, Ste. 206 Haverhill, MA 01830 (978) 372-6590 BBO #567753</p>	<p>METROPOLITAN LIFE INSURANCE COMPANY, By its attorneys, /s/ Johanna L. Matloff</p> <hr/> <p>James F. Kavanaugh, Jr. BBO#262360 Johanna L. Matloff BBO#655178 CONN KAVANAUGH ROSENTHAL PEISCH& FORD, LLP Ten Post Office Square Boston, MA 02109 (617) 482-8200</p>
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